

REMARKS

In response to the Office Action dated July 26, 2005, claims 4-6 have been amended. Accordingly, claims 1-15 are pending.

Claims 1-3 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,086,635 to Creaser et al.

Claim 1 as originally filed recites a laser irradiation stage comprising a surface on which an object to be irradiated by a beam is placed, wherein the surface provides cylindrical shape curvature to the object to be irradiated by the beam.

Claim 2 recites a laser irradiation stage comprising a surface on which an object to be irradiated by a beam is placed, wherein the surface provides curvature to the object to be irradiated by the beam. A distance between the center of radius of the curvature and a laser oscillator is longer than a distance between the center of radius of the curvature and the object to be irradiated by the beam.

Original claim 3 recites a laser irradiation stage comprising a surface on which an object to be irradiated by a beam is placed, wherein the surface provides concave cylindrical shape curvature to the object to be irradiated by the beam.

The Examiner appears to have dismissed the structural recitations of claims 1-3. Creaser does not disclose a laser irradiation stage. Creaser merely teaches drawing a length of sheet metal through a variety of curvatures to form the sheet metal into a compound curve. In order to overcome the deficiencies of Creaser, the Examiner has dismissed the structural features of claims 1-3 as being intended uses that do not impart patentability to the claims. Applicant respectfully disagrees.

Although Creaser's curved forms appear to provide shape curvature to the sheet metal, it does not disclose "a surface on which an object...is placed" that "provides cylindrical shape curvature" to an "object to be irradiated by the beam." The forming stages are not surfaces "on which an object ...is placed," but merely stages through which the sheet metal is drawn. In other words, the sheet metal of Creaser is not placed *on* the forming stages.

Moreover, it has been well established that any terminology in the preamble of a claim that limits the structure of the claimed invention and does not merely state an intended use, must be treated as a claim limitation. See, *Corning Glass Works v. Sumitomo Elec.*

U.S.A., Inc., 868 F.2d 1251, 1257 (Fed. Cir. 1989). Each of the preambles of claims 1-3 recite “a laser irradiation stage.” This language sets forth structure of the claimed invention, which can be clearly determined as structure based upon review of the application in its entirety. Creaser does not disclose “a laser irradiation stage.”

Therefore, none of the claims can be anticipated by Creaser, because the reference fails to recite each and every element of the claim.

Furthermore, each of the claims 1-3 recite in the body of the claim a surface that “provides cylindrical shape curvature to the object to be irradiated.” The difference in intended use between the prior art and the claimed invention can be considered in determining obviousness. See, e.g., *In re Duva*, 387 F.2d 402, 404 (C.C.P.A. 1967).

Given the above, Applicant respectfully submits that claims 1-3 are not anticipated by Creaser.

Claims 4-15 have been rejected under 35 U.S. C. 103(a) as being unpatentable over U.S. Patent No. 6,743,601 to Bonner et al.

Bonner does not disclose “a third means for providing an object to be irradiated with the laser beam expanded in the first direction and condensed in the second direction with a laser beam irradiation surface and moving the irradiation surface in the second direction, relative to the laser beam,” as recited in claims 4-6.

Each independent claims 4-6 recites that the “third means” comprise “a first surface on which the object to be irradiated with the laser beam expanded in the first direction and condensed in the second direction is placed, the first surface having the concave cylindrical shape curvature in the direction parallel to the first direction.”

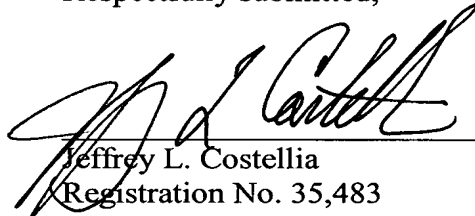
Bonner merely discloses a specimen M disposed on surface 14. The third means as defined in claims 4-6 is “a first surface on which the object...is placed, the first surface having the cylindrical shape curvature in the direction parallel to the first direction.” Neither Bonner’s curve E nor surface M is the claimed equivalent of Applicant’s claimed third means. Nor would one having ordinary skill in the art be motivated to curve surface 14, absent Applicant’s own teachings.

Claims 1-15 have also been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 8, 12, 15 and 17 of U.S. Patent No. 6,707,614. This rejection is traversed for the reasons advanced below.

Applicant contends that the claims of the instant application include features that are patentably distinct over the claims of the '614 Patent. Specifically, the claims of the '614 Patent do not appear to recite the features a cylindrical shape curvature, as recited in claim 1, the distance between the center of the curvature and a laser oscillator being longer than the distance between the center of radius of curvature and the object to be irradiated, as recited in claim 2, and a concave cylindrical shape curvature, as recited in claim 3. Moreover, the combination of features recited in claims 4-6 do not appear to be recited in the claims of the '614 Patent. As a result, this rejection should likewise be reconsidered and withdrawn.

Applicant respectfully submits that the application is now in condition for allowance. A prompt passage to issuance is therefore earnestly solicited.

Respectfully submitted,



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